

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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BLERON BARALIU,

No. 07-cv-04626 (MHD)

Plaintiff,

-against-

VINYA CAPITAL, L.P. and MICHAEL deSa,

**NOTICE OF  
MOTION**

Defendants.

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PLEASE TAKE NOTICE that, upon the annexed affidavit of Morlan Ty Rogers, Esq., the exhibits annexed thereto, the accompanying Memorandum of Law and all prior papers and proceedings herein, the undersigned hereby moves before the Honorable Michael H. Dolinger, United States Magistrate Judge, in the United States District Court for the Southern District of New York, 500 Pearl Street, New York, New York 10007, for an Order, pursuant to Rules 12(c) and 9(b) of the Federal Rules of Civil Procedure, for judgment on the pleadings dismissing Counts One, Two, Five, Six and Seven of plaintiff's amended complaint herein for failure to state a claim and failure to plead fraud with particularity, and granting such other and further relief as may be just and proper.

PLEASE TAKE FURTHER NOTICE that, by direction of Magistrate Judge Michael H. Dolinger, opposing affidavits and memoranda of law, if any, must be served upon the undersigned on or before May 9, 2008 and must be filed with the Court

in accordance with applicable rules. Unless such affidavits and memoranda of law are timely served and filed, the relief sought herein may be granted.

Dated: New York, New York  
April 17, 2008

VANDENBERG & FELIU, LLP

By: Morlan Ty Rogers  
Morlan Ty Rogers (MR 3818)  
Attorneys for defendants  
110 East 42<sup>nd</sup> Street, Suite 1502  
New York, NY 10017  
(212) 763-6800

To: Alfred J. Smith, Jr. Esq.  
Attorney for plaintiff  
706 Bedford Street  
Stamford, CT 06901  
(203) 359-3200